

Federal Communications Commission

Office of the Secretary

Date:

2/3/2015

Petition for Rulemaking

DOCKET FILE COPY ORIGINAL

To:

MB - Audio

The attached document is forwarded to you for a determination as to whether it should be treated as a Petition for Rulemaking. See Sec. 1.401 - 1.407 of the Rules and Regulations.

Within 15 work days from the date of this notice, please check one of the boxes below, sign this form, and send it, **with one copy of the attached document**, to the **Imaging Center of the Consumer Information Bureau's Reference Information Center (RIC)**, Rm. CY-C203. Questions may be directed to Geraldine Taylor at 418-0305.

TO: Reference Information Center (RIC), **Imaging Center**, Rm. CY-C203.

☐ The Bureau will treat the attached document as a Petition for Rulemaking and will release its own Public Notice. The Bureau requests a rulemaking number and is providing RIC with an attached copy of the Public Notice and any other documents released in connection with this Petition.

☐ RIC should treat the attached document as a Petition for Rulemaking. If this box is checked, RIC will assign a rulemaking number to the document and give public notice of its filing.

☐ The attached document should **NOT** be treated as a Petition for Rulemaking. If this box is checked, the document will remain in the RIC data base with the "denied date" and the original will remain on file in the Reference Information Center. If denied, send two copies of the denial letter to RIC.

☐ The Bureau/Office cannot make an initial determination on the disposition of the attached document within the required 15 work days from the date of this notice. **[A detailed explanation with projected timeline for disposition is attached.]**

Date Denied

Bureau/Office

Bureau/Office Contact

Telephone Number

Michael Myers
111 S.W. Cross Creek Dr.
Grain Valley, Missouri 64029

Received & Inspected

FEB 02 2015

FCC Mail Room

January 28, 2015

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

Attention Audio Division

Ms. Dortch:

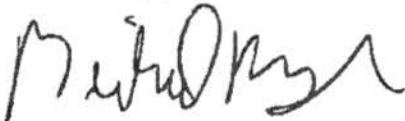
RE: PETITION FOR RULEMAKING IN Maryville, Missouri, FILE NUMBER 20150128ACJ,
FAC ID 198464.

PETITION FOR RULEMAKING

Please find enclosed an original and four copies plus a "Stamp & Return" copy
of a Petition for Rulemaking.

The instant Petition has been filed concurrently with a Form 301 application
and assigned file number 20150128ACJ.

Sincerely,



Michael Myers
Petitioner

MB-Audio 15-02

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

Received & Inspected

FEB 02 2015

FCC Mail Room

In the Matter of)
)
Amendment of Section 73.202(b))
Table of Allotments)
FM Broadcast Stations)
Maryville, Missouri)

To: Office of the Secretary

Attn: Chief, Audio Division

PETITION FOR RULEMAKING

Michael Myers, pursuant to §1.401 hereby submits this Petition for Rulemaking which proposes to allocate a new channel 285C3 to Maryville, Missouri.

The Commission has previously determined that Maryville, Missouri, was a bona fide community due to one licensed AM¹ and three licensed FM² stations being already assigned to the community. Maryville is an incorporated community with a population of 11,972 people.³ Maryville is deserving of a fifth local service as the proposed channel will provide additional diversity and an outlet for local residents.

Channel 285C3 can be allotted to Maryville at reference coordinates 40°-22'-33" N x 94°-51'-25" W consistent with §73.207 of Commission Rules with respect to all existing and proposed allotments and facilities. A technical showing has been included confirming the channel can be allotted to Maryville consistent with the Commission's separation requirements.

¹ KNIM, Fac. ID 48973, Maryville, MO

² KVVU, Fac. ID 48974, Maryville, MO

KXCV, Fac. ID 49746, Maryville, MO

KZLX-LP, Fac. ID 131938, Maryville, MO

³ U.S Census 2010

Petitioner has concurrently filed FCC Form 301 for the requested channel. Should the Commission authorize channel 285C3 at Maryville, Missouri, Petitioner will participate in the auction process, and if successful in obtaining a construction permit, will promptly construct and operate the proposed station.

Michael Myers requests that the following channel be allocated:

<u>Community</u>	<u>Channel</u>
Maryville, MO	285C3

The proposed channel 285C3 will provide a local service to the community of Maryville, MO, thereby advancing the Commission's goals of serving the public interest, convenience, and necessity.

Respectfully Submitted,



Michael Myers

111 S.W. Cross Creek Dr.

Grain Valley, Missouri 64029

As shown in Table 1 the proposal is fully spaced to all existing and proposed stations. Figure 1 is a map demonstrating that the 70 dBu contour completely encompasses the city of license; the contour complies with §73.315(a) of the Rules.

Table 1

Channel 285 (104.9 MHz Class C3) at 40-22-33.0 N, 94-51-25.0 W.

CALL	CITY	ST	CHN	CL	DIST	SEP	BRNG	CLEARANCE
KKJO-FM	ST. JOSEPH	MO	288	C1	75.64	76.00	192.1	-0.4
KCJK	GARDEN CITY	MO	286	C1	146.47	144.00	166.9	2.5
KCJK	GARDEN CITY	MO	286	C1	146.47	144.00	166.9	2.5
KCJK	GARDEN CITY	MO	286	C1	146.47	144.00	166.9	2.5
KCJK	GARDEN CITY	MO	286	C1	153.14	144.00	168.8	9.1
KRES	MOBERLY	MO	284	C	210.46	176.00	118.3	34.5
KBOE-FM	OSKALOOSA	IA	285	C2	213.99	177.00	59.8	37.0
KTMX	YORK	NE	285	C2	223.63	177.00	281.6	46.6

